

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

- - -

ELIZABETH GOODWIN,)	
Plaintiff,)	
)	
v.)	Case No. 1:15-CV-0027
)	Judge Donald C. Nugent
CITY OF CLEVELAND, et al.,)	
Defendants.)	

- - -

THE DEPOSITION OF SERGEANT ROCHELLE BOTTONE
MONDAY, JUNE 27, 2016

- - -

The deposition of SERGEANT ROCHELLE BOTTONE, a witness, taken as if upon cross-examination by the Plaintiff, under the Federal Rules of Civil Procedure, taken before me, Janet M. Hoffmaster, Registered Professional Reporter and Notary Public in and for the State of Ohio, pursuant to Notice, at Burke Lakefront Airport, 1501 North Marginal Road, Cleveland, Ohio, commencing at 2:00 p.m., the day and date above set forth.

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1 SERGEANT ROCHELLE BOTTONE
2 a witness, called for examination by the Plaintiff,
3 under the Rules, having been first duly sworn, as
4 hereinafter certified, was deposed and said as follows:

5 CROSS-EXAMINATION

6 BY MR. GERHARDSTEIN:

7 Q. Good afternoon.

8 A. **Good afternoon.**

9 Q. State your full name, please.

10 A. **Rochelle Battone.**

11 Q. And what's your rank?

12 A. **Sergeant.**

13 Q. When were you appointed sergeant?

14 A. **That was May of 2008.**

15 Q. And just briefly trace your history with the
16 Cleveland Police Department.

17 A. **I began my career in the Second District on
18 basic patrol. I worked a year in the Third District
19 Vice Unit. I worked three years in our Sex Crimes and
20 Child Abuse Unit. I was our Grand Jury liaison with
21 the Cuyahoga County Prosecutor's Office.**

22 **And I supervised the Crime Analysis Unit out of
23 our fusion center for a year, but I spent the majority
24 of my career as a sergeant as a patrol supervisor in
25 the Third District and now the First.**

1 Q. When did you join the department?

2 A. **March of 1997 is my date of appointment.**

3 Q. Have you ever been disciplined?

4 MR. MALLAMAD: Objection.

5 You can answer.

6 A. **Only a written reinstruction.**

7 Q. What was that about?

8 MR. MALLAMAD: Same

9 objection.

10 Go ahead.

11 A. **It was an investigation that was perceived late**
12 **to the chief's office.**

13 Q. What was the topic of the investigation?

14 A. **It was a motor vehicle accident involving a**
15 **police officer.**

16 Q. So was the issue whether you gave any favoritism
17 to the police officer?

18 A. **No. There was really no issue, they just have a**
19 **certain time frame that they like to have them received**
20 **by and there were some complications with receiving**
21 **information and it -- I requested extensions, but I**
22 **believe things fell through the cracks and I was**
23 **reinstructed.**

24 Q. What are your duties as a sergeant in patrol?

25 A. **My duties involve supervising the officers on my**

1 shift to ensure that they're handling radio
2 assignments. I mainly ensure that our resources are
3 being used efficiently.

4 We're short manpower, so that leaves me, usually
5 dispatchers are coming to me to decide what cars are
6 going to go where and what they're going to handle
7 first.

8 And then anything involving use of force or any
9 usually felonies that are violent felonies, anything
10 involving a crime scene, I would go to secure that
11 crime scene. I would handle any use of force
12 investigations.

13 Basically I'm just there to also be a mentor to
14 the officers. We have a lot of newer officers.

15 Q. How many sergeants in like a district?

16 This happened on third shift in 2014, how many
17 sergeants did you share that shift with?

18 A. Just one patrol sergeant and there's also one
19 that works the desk.

20 Q. One in addition to you?

21 A. Yeah, one that works inside and then one in
22 addition to me on the road.

23 Q. And how many officers were you supervising in
24 the district?

25 That was for the whole district?

1 **A. For the whole district, yes.**

2 **Q. So how many officers would be deployed out?**

3 **A. I could not tell you the exact number --**

4 **Q. Roughly.**

5 **A. -- but usually on average there are usually**
6 **about 15 officers and then two sergeants.**

7 **Q. And how many cars?**

8 **A. And that's usually six two-man cars, and then**
9 **two one-man cars, and then usually an officer that**
10 **works the office.**

11 **Q. How many zones within District 3 or the Third**
12 **District?**

13 **A. There are seven, I believe.**

14 **Q. What importance do the zones have in terms of**
15 **deploying your officers?**

16 **A. We usually split the zones up into -- well, I**
17 **should say there's two sectors in the district, and**
18 **each sector has three to four zones.**

19 **So my sector that evening entailed Zone 5, 6,**
20 **and 7, and then half of 4. So it's usually -- my**
21 **sector, we usually split it in half. It's like East**
22 **55th and east of East 55th.**

23 **Q. And as you dialogued with dispatch when you were**
24 **in District 3, would you feel comfortable having any**
25 **officer respond to any location in that sector, or did**

1 you really try to have officers respond within their
2 zones?

3 A. We really did try to keep them in their zones,
4 just because it made more sense. They tried to stay
5 within their zone as they were patrolling, so in order
6 to have better response times we would try and keep the
7 assignments that came over in, say, Zone 5, we would
8 try and give that to Car 5.

9 It didn't always happen that way. I mean, quite
10 often it didn't. In fact. I don't even -- I don't
11 even know that Officer Aldridge and Myers were assigned
12 to Zone 5 that night.

13 Q. Was the Ansel address in Zone 5?

14 A. I believe it was.

15 Q. And if you wanted to know what zone they were
16 assigned to, what document would tell you that?

17 A. That would have been their duty report.

18 Q. The individual officer duty report?

19 A. M-hm.

20 Q. Is there a schedule that supervisors make up
21 that assign --

22 A. Yes.

23 Q. -- everybody to zones?

24 A. There's also our daily duty assignment and that
25 has the schedule of all the cars for that evening.

1 Q. And both of those documents would indicate
2 whether Aldridge and Myers were assigned to Zone 5?

3 **A. Correct.**

4 Q. Did you know Scott Aldridge?

5 **A. Professionally, yes.**

6 Q. Did you ever socialize with him?

7 **A. No.**

8 Q. Were you ever involved in any discipline of him?

9 **A. No.**

10 Q. What about Myers?

11 **A. No. He was brand new.**

12 Q. So November 12th, 2014, when did you first get
13 any indication about the Tanisha Anderson incident?

14 **A. I received a broadcast assignment from dispatch**
15 **to respond to that address because the car that was**
16 **there was asking -- requesting for a supervisor.**

17 Q. So on a regular shift would you be monitoring
18 all the radio traffic?

19 **A. M-hm, yes, I would.**

20 Q. So were you aware that they had already gone to
21 the Ansel address?

22 **A. I was aware that they were on assignment. I did**
23 **not -- I did not realize what they were there for. I**
24 **had just started my shift, and -- and if I could add, I**
25 **believe if they were to have been assigned from a**

1 different zone, it might have been because Zone 5
2 doesn't start until ten o'clock. So sometimes they do
3 have to call other cars to handle those zones because
4 they're not on the air yet.

5 Q. So their third shift ran 10:00 to 6:00?

6 A. They're 10-hour shifts, so the earlier cars
7 start at 9:00, and then the later cars start at 10:00,
8 so it's 10:00 to 8:00.

9 Q. And you worked third shift, and what's that mean
10 for you? What were your hours?

11 A. I'm 10:00 p.m. to 8:00 a.m.

12 Although not to add confusion, but at that time
13 our start time was a half hour earlier, theirs was.
14 So it might have been 9:30. I can't remember when they
15 changed it. I apologize.

16 Q. All the patrol officers in the Third District
17 started at 9:30, or did it vary by zone?

18 A. It varied. It varied. And I can't recall, I
19 believe it was 8:30 and 9:30, if I'm not mistaken, but
20 I could be wrong, because they changed it, like I said.

21 Q. Well, it makes sense. I mean, you would not
22 want a complete turnover at exactly the same time.

23 A. Right.

24 Q. So I assume that's still how it works?

25 A. Yeah, there's still that hour.

1 Q. What about you and the other sergeant? Did you
2 start at different times?

3 A. No, I always started at 10:00. My time stayed
4 the same.

5 Q. Okay. So you were aware that they had been
6 deployed to the Ansel address and you aren't sure that
7 you knew what the deal was because it hadn't risen to
8 that, probably, to that high of a level of importance.

9 A. I really had no idea.

10 Q. Okay. And then you got word that you might be
11 needed, and what did you learn about that?

12 A. Well, I was actually stopped on my way out the
13 door in the parking lot by one of the second shift
14 officers that had responded to that same address
15 earlier in the evening. And he wanted to explain to me
16 what had happened when they responded.

17 Q. What did he say, and who was it?

18 A. It was Officer Muniz, and he said that the
19 family had called and they were just having a hard time
20 dealing with their daughter that was mentally disabled.

21 They really didn't know what her issue was, you
22 know. They knew that she might have had some psych
23 issues, and they were told that she had just recently
24 got out of inpatient treatment, I think at Laurelwood,
25 and they weren't sure what she was there for.

1 But as far as they knew, what the family told
2 them, is that she was on her meds, she was not off of
3 her meds, but she wasn't acting right and they were
4 trying to get her to calm down.

5 She kept leaving the house. She was very like
6 anxious and would leave the house and come back, she'd
7 disappear, they'd have to go looking for her, is what
8 my understanding was. And they just wanted us to take
9 her to the hospital just because they couldn't control
10 her.

11 And what the officer told me was that they felt
12 like they didn't have a reason to take her. You know,
13 that she wasn't suicidal and, again, she wasn't off of
14 her medication, so they felt like the family needed to
15 just kind of work with her and deal with the situation.

16 Q. So he literally stopped your vehicle as you were
17 pulling out of the --

18 A. No. I hadn't even gotten to my vehicle yet. I
19 was still looking for my vehicle.

20 Q. Tell me what that means.

21 A. It means that our cars are never parked in the
22 same spot. Like we have to look for your car, like
23 you're at a mall.

24 Q. I'm not going to go down there.

25 A. Yeah.

1 Q. I don't think it's too relevant.

2 But the officer, how was he aware that there was
3 another call then to that address?

4 **A. He heard it, he heard it come over the air and**
5 **he heard them ask for a supervisor.**

6 Q. What did you learn over the air about why the
7 officers at the Ansel address would want a supervisor?

8 **A. I didn't learn anything over the air. I**
9 **honestly did not know.**

10 Once I got there and saw what was going on, I
11 just assumed that they needed me because there was some
12 kind of physical struggle between the officers and the
13 female.

14 Q. When you were still back at the district, what
15 do you call them, stations?

16 **A. M-hm, the district.**

17 Q. At the district and Officer Muniz was talking to
18 you, did you have any indication -- you knew that there
19 was going to be -- that there was a request for a
20 supervisor, right, at that point?

21 **A. Yes.**

22 Q. And did you have any indication at that point as
23 to why there was a request for a supervisor?

24 **A. I didn't have an indication. My assumption at**
25 **that point was that they wanted me to try and talk to**

1 her, because sometimes females are a little bit better
2 having like a calming effect on people.

3 So I thought maybe -- because a lot of times
4 that happens. When officers have just kind of, you
5 know, gotten to the end of their -- they just say, I
6 don't know what else to do. Like let's try someone
7 else, bring someone else in, maybe they can talk some
8 sense into this person.

9 So that's kind of what I thought as I'm driving
10 there.

11 Q. Prior to driving there and while you were still
12 talking to Muniz did you have any concrete information
13 as to why the officers at 1374 Ansel had requested a
14 supervisor?

15 A. No.

16 Q. What are the usual reasons that you're going to
17 get called to a scene?

18 A. I would say on a daily basis they call a
19 supervisor for the reason I just stated, they sometimes
20 feel like a supervisor might be better at
21 communicating, sometimes people will listen to a
22 supervisor because they think this is someone of
23 authority that is maybe telling them, maybe not what
24 they want to hear, but can explain things in a way that
25 they'll be more accepting of it. So I would say I deal

1 with that more than anything.

2 Q. Okay. And this whole run was a mental health
3 run.

4 A. Right.

5 Q. And how common was it for you to be involved in
6 reinforcing officers on mental health runs?

7 A. Actually pretty common because I'm -- well, I'm
8 crisis intervention trained. And I just think that
9 over the years anyone that's worked with me knows that
10 that's one of my strong points.

11 So, again, that's really why I assumed they were
12 calling.

13 Q. When were you crisis intervention trained?

14 A. I don't remember the exact date. I believe it
15 was -- it was before I got promoted, so 2007 maybe. It
16 was right before I was issued my taser.

17 Q. And just to help me understand what your options
18 were, when you would get involved with these mental
19 health runs where there's no crime, it's simply a
20 person who's having a mental health crisis, what was
21 the usual way that you would proceed on a run like
22 that?

23 A. Well, really I would just try and build a
24 rapport. I mean, there's a short amount of time. You
25 don't have forever and a day to do that, but, you know,

1 just kind of use my skills that I learned when I was a
2 sex crimes detective to kind of build some sort of a
3 relationship in that short amount of time with that
4 person so that they trust you.

5 And if you can build that trust, then they're
6 more apt to believe that you're there to help them.
7 You know, it's intimidating when they see people in
8 uniform. Sometimes a little less intimidating if it's
9 female.

10 So, you know, oftentimes it ended up where we
11 would have to get physical and just, you know, escort
12 them out because talking just, you know, sometimes
13 they're too far gone, you can't talk to them. And I
14 think that's where Tanisha was.

15 Q. If you had no reported crime how did you
16 understand your authority to get physical? How is that
17 grounded?

18 MR. MALLAMAD: Objection.

19 You can answer.

20 A. We would explain to them that it was a matter of
21 their own safety. You know, more often than not it was
22 a situation where they were putting themselves or
23 others at risk.

24 So, you know, usually that was -- not usually,
25 that had to have been the case, because without them

1 being pink slipped by a doctor, we really didn't have
2 authority.

3 And in this case with Tanisha, that was the
4 case, she was putting herself at risk.

5 Q. But Officer Muniz said that she wasn't, right?

6 A. Right, but everything had escalated. You know,
7 they had been there, if I had to guess, maybe an hour,
8 hour and a half before, and everything just escalated
9 by the time Officer Aldridge and Officer Myers got
10 there.

11 Q. So you proceeded after talking to Muniz to the
12 scene, but all you knew at that point was what Muniz
13 told you and what -- and that dispatch was telling you
14 to go to the scene because the officers had asked for a
15 supervisor; is that fair?

16 A. Right. And then I had -- well, I also heard
17 Officer Aldridge ask for a supervisor over the air.

18 Q. And what did he say when he asked for a
19 supervisor?

20 A. I don't recall. I just remember hearing his
21 voice.

22 Q. I mean, was there any explanation as to why he
23 was --

24 A. No. He just wondered if one was coming, because
25 dispatch had requested me, and then I don't know if he

1 didn't copy that they were sending me, but I do
2 remember he asked if a supervisor was coming.

3 Q. So how long after you were dispatched to 1374
4 Ansel did you hear him get on the air asking if one was
5 coming?

6 A. I don't recall.

7 Q. So you get there.

8 A. Yes.

9 Q. What happens? What do you see?

10 A. I got out of the car, I got out of my car, and
11 that's when I observed -- well, I saw the officer
12 standing there, and then I saw Mrs. Anderson laying on
13 the -- I think it was a tree lawn.

14 And there were other people standing on the
15 sidewalk. I didn't know who they were at that point.
16 She was handcuffed from behind.

17 And so my first thought before getting any
18 information from Officer Aldridge was that there must
19 have been some kind of use of force situation. At that
20 point I figured that's why they must have called me,
21 because just seeing her in handcuffs, that was my first
22 thought.

23 But then he explained to me that she had
24 willingly walked out of the house. He said, you know,
25 we took our time with her, calmed her down, she went on

1 her own, got in the back of the zone car, and then all
2 of a sudden she got real anxious and said no, no, no
3 no, I don't like police cars and jumped -- went to jump
4 out.

5 And so honestly I don't know what happened. I'm
6 just going by what he told me. I wasn't there for
7 this, but at that point I think that's when they must
8 have taken a hold of her to try and get her back in the
9 car.

10 Q. What else happened? So you saw her on the
11 sidewalk?

12 A. I saw her on the grass, and then when he told me
13 that there was a struggle, I bent down and I rolled her
14 to like her side, more on her -- like to her back, and
15 just checked to make sure that she was conscious. And
16 at that point she was not.

17 So I asked if they had EMS responding and he
18 said no. And then Officer Myers called at that point
19 for EMS.

20 Q. When you first saw her as you got out of your
21 car, were you parked on Ansel?

22 A. Yes.

23 Q. And --

24 A. I believe. Honestly I don't remember. I think
25 I just pulled right up on Ansel, but I don't recall for

1 **sure.**

2 Q. And you saw the zone car that Aldridge and Myers
3 had arrived in?

4 A. I don't recall if theirs was parked right in the
5 front. I think it was.

6 Q. And was their zone car parked in such a way that
7 the passenger side was -- would open toward the houses?

8 A. Yes.

9 Q. And Tanisha was on the tree lawn. If you could,
10 position her for me in terms of where she was located
11 on the tree lawn compared to where their car was.

12 A. In my mind I want to say that it was close to
13 where their car was, like right by the door, but I
14 can't say for sure.

15 Q. Can you give me a diagram that roughly places
16 the car, the tree lawn, the sidewalk, and the house?

17 A. Okay. So this is Ansel. This is the tree lawn.
18 This is the house.

19 From what I recall, we were -- actually we were
20 a little ways up here from the house.

21 Like here's the car, and then I remember
22 standing kind of, like we were over here, but I think
23 she was like -- she was by the back door of the car
24 from what I remember.

25 Q. There's an intersection near this portion of

1 Ansel, isn't there? Do you know?

2 **A. I don't know.**

3 Q. Okay. So put TA next to where you think Tanisha
4 was, and if you could make her into a stick figure so
5 that I get a sense of where her --

6 **A. This is the zone care.**

7 Q. You have placed her perpendicular to the zone
8 car, is that --

9 **A. She was not perpendicular, from what I recall.**
10 **Honestly I don't remember.**

11 Q. Okay. All right. And then you have another
12 circle there --

13 Q. That's us.

14 Q. -- and is that the tree lawn?

15 **A. No. Well, this is the police, this is where I**
16 **was standing.**

17 Q. And is that the sidewalk or the tree lawn?

18 **A. This is -- we were on the tree lawn, and then**
19 **right here was the sidewalk, because family was**
20 **standing here.**

21 Q. Okay. And label that sidewalk, if you would,
22 please.

23 **A. Sure.**

24 Q. And label the other tree lawn. And if you could
25 just put a divot pointing so that I can tell which is

1 the front of the zone car. You know, like put a --

2 **A. This is the front.**

3 Q. Okay. That's good.

4 MR. GERHARDSTEIN: Let's mark
5 this.

6 (Thereupon, Plaintiff's Exhibit 48
7 to the deposition of SERGEANT ROCHELLE
8 BOTTONE was marked for identification.)

9 BY MR. GERHARDSTEIN:

10 Q. Can you describe Tanisha for us?

11 **A. She was a larger black female. It's hard for me**
12 **to really tell you how tall she was because she was**
13 **never standing up, but, yeah, that's really all I can**
14 **say.**

15 Q. Larger like?

16 **A. Larger like --**

17 Q. Over 200 pounds?

18 **A. Yes.**

19 Q. And what was she wearing?

20 **A. From what I remember it was just like a --**
21 **almost just like a nightgown. I don't know how else to**
22 **describe it. I know she didn't have pants on.**

23 Q. So that her legs were exposed to the elements?

24 **A. Yeah, because I remember Officer Aldridge saying**
25 **he was trying to -- because she kept kicking and he was**

1 trying to get her -- she didn't have any pants on, so
2 he was trying to like get her to put her legs down.

3 You know, he mentioned that. He said, you know,
4 she wasn't -- she was exposing herself, so. He was
5 trying to control her legs.

6 Q. Did she have underwear on?

7 A. I don't know. I don't remember.

8 Q. The sense you got from the officer talking about
9 her kicking and exposing herself, was it that she
10 didn't have underwear on?

11 A. No, no. No. I believe she did have underwear
12 on, but.

13 Q. And in addition to the nightgown did she have
14 anything else on? Shoes?

15 A. Not that I recall.

16 Q. Gloves? Coat?

17 A. No. I don't recall anything else.

18 Q. So what you recall is just the nightgown.

19 A. M-hm.

20 Q. You have to say yes.

21 A. Oh, I'm sorry. Yes, yes. Sorry.

22 Q. You know that from court, right?

23 A. It's been a while.

24 Q. Now, tell me a little more precisely. You said
25 you rolled Tanisha.

1 When you walked up on her, was she on her back
2 or on her front?

3 **A. She was on more -- like on her stomach, and I**
4 **wanted to see her face and I couldn't, like her face**
5 **was kind of on her side and so I pulled her, I pulled**
6 **her over onto her back.**

7 Q. Was it raining? What was the weather like?

8 **A. No, it was just cold.**

9 Q. How cold?

10 **A. I couldn't tell you the exact temperature.**

11 Q. I mean, under freezing?

12 **A. No, it was not freezing. It was November, we**
13 **were all wearing winter coats and hats.**

14 Q. Was there some snow on the ground?

15 **A. I don't recall snow.**

16 Q. So she was prone on the ground as you walked up
17 to her.

18 **A. She was.**

19 Q. Where were her arms?

20 **A. Behind her back.**

21 Q. And you say that she was not conscious. Did she
22 say anything to you? Did you say anything to her?

23 **A. No. That's what I was trying to -- I wanted to**
24 **talk to her. So, and then at that point I realized she**
25 **could not talk, so we called for EMS.**

1 So, you know, I asked Officer Aldridge if they
2 were en route and he said no because, you know, the
3 family said she's fine, she's sleeping, she does this
4 all the time.

5 And I thought -- I thought it was odd that he
6 described it as sleeping, but that's what the family
7 said, that's what they said that she does all the time.

8 She gets -- she has these episodes where, you
9 know, she's very anxious and -- I don't know. The way
10 they described it to me was almost like manic behavior.

11 I didn't see it firsthand, so I couldn't tell
12 you, but then they say that the family said then she
13 just kind of just exhausts herself and falls asleep.

14 Q. Now, this is information you got secondhand from
15 Aldridge?

16 A. Yes.

17 Q. Did you get any of the information you just
18 shared with us from the family?

19 A. I did not.

20 Q. At any point did you talk to the family?

21 A. Yes.

22 Q. Okay. We'll get to that.

23 But as you were assessing Tanisha, Aldridge was
24 saying that she has these episodes, he thought she was
25 sleeping and he thought the family thought she was

1 sleeping; is that fair?

2 **A. Exactly. Yes.**

3 Q. Now, did he indicate that the family told him
4 that he shouldn't call EMS?

5 **A. No, he never indicated that.**

6 Q. Did he indicate whether he had checked Tanisha's
7 breathing and pulse?

8 **A. No, he did not.**

9 MS. DINEHART: Did not
10 indicate?

11 THE WITNESS: He did not
12 indicate that.

13 BY MR. GERHARDSTEIN:

14 Q. Did you ask him?

15 **A. I didn't ask. I just -- I just checked it and**
16 **what he told me was that this was -- I honestly think**
17 **everything just escalated quickly as far as her need**
18 **for medical attention.**

19 I think that prior to my arrival, like I stated,
20 the family had no concern. In fact, when I got out of
21 the car, their first words to me was -- I think they
22 thought I was there because -- to check on the
23 officers, as if the officers, you know, maybe he
24 thought, oh, a supervisor is here, I want to make sure
25 the officers don't get in trouble. And his first words

1 out of his mouth to me were, you know, they were just
2 doing their job, and they were -- you know, she does
3 this all the time.

4 You know, he was just reassuring me that
5 basically in my mind that they did what they had to do
6 to restrain her.

7 Q. Did you check Tanisha for respiration and for a
8 pulse?

9 A. I tried to, but because she's a, you know, she's
10 a larger woman and it was hard to feel her pulse on her
11 neck or her, like her wrists.

12 So I basically had to visibly watch her chest
13 rise to make sure she was breathing. And Officer
14 Aldridge did the same, you know, I unbuttoned like,
15 like opened up her gown.

16 And then once EMS got there, you know, that's
17 when they told us that she did have a low, I forget how
18 they said it, a low pulse rate I believe.

19 Q. Prior to EMS getting there did you confirm
20 whether she had a pulse?

21 A. I did not confirm whether she had a pulse. I
22 just saw her breathing.

23 Q. And what was your basis for thinking she was
24 breathing?

25 A. Because I could see her chest rising.

1 Q. While she was prone?

2 A. No. When I turned her over.

3 Q. And when you say you saw her chest rising, was
4 this breathing labored, slow?

5 A. Very slow.

6 Q. Was there any frost or anything, I mean, you
7 know, when people breathe when it's cold sometimes you
8 see evidence of that in the air.

9 A. No, no. It wasn't that cold.

10 Q. Did you find out how long she had been on the
11 sidewalk?

12 MR. MALLAMAD: Objection.

13 Go ahead.

14 A. I don't know. I just know how long -- I
15 basically know how long it took after going back and
16 looking at the time that they had been there and then
17 the time they called me.

18 If I had to guess, maybe 10 minutes. I don't
19 even know if it was that long.

20 Q. Did you say anything else to Aldridge and did he
21 say anything else to you before you observed her
22 breathing while she was on her back?

23 A. I'm sorry. Can you repeat that?

24 Q. Did you have any other conversation with
25 Aldridge prior to observing her breathing?

1 A. No. He just told me what happened as far as why
2 she ended up in handcuffs.

3 Q. And he told you that before you assessed her
4 breathing?

5 A. No. Oh, no, I'm sorry, he did tell -- yes, he
6 did. He did.

7 Q. So tell me what he said. I just want to know
8 everything he said before you assessed her breathing.

9 A. Okay. He said that they got a call there
10 because the family wanted her to go to the hospital.
11 They said that they calmed her down enough to get her
12 to go on her own.

13 But then once she got to the zone car she became
14 very anxious, didn't want to go. And he said that she
15 kind of, you know, jumped out of the car, they tried to
16 get her back in, and then they struggled with her, and
17 that's how they ended up cuffing her.

18 And then at that point is when I had Bryan Myers
19 call for EMS, and then while we were waiting was when
20 he gave me more details.

21 Q. Did you call for EMS before you had assessed her
22 breathing?

23 A. Yes, I did.

24 Q. Why?

25 A. Because she was unconscious and I wanted to get

1 **them there as quickly as possible.**

2 Q. When Scott Aldridge told you she jumped out of
3 the car and then he said he tried to get her back in,
4 did he describe during this conversation what he did to
5 try and get her back in?

6 A. **I don't recall. I don't recall his exact words.**

7 Q. And did he describe how she came to be in
8 handcuffs?

9 A. Well, he said that once they tried to get her
10 back into the car there was just a struggle, you know,
11 she started kicking them, and I don't know, I really
12 don't recall the details of it.

13 Q. Did they cuff her while she was, according to
14 his statement to you, while she was standing, sitting,
15 in the car, on the ground?

16 A. No, they had to -- in order to get her under
17 control, because she was kicking, they took her to the
18 ground and, you know, the way it was described to me
19 was that, you know, because she was a larger woman, the
20 best way to gain control of her was just to put his
21 weight on her back to get her arms behind her back,
22 because it was just the two of them, Officer Aldridge
23 and Officer Myers.

24 And I think she had a lot of adrenaline going
25 and so, you know, that was just the most effective way

1 to get her cuffed.

2 It wasn't that they were trying to hurt her,
3 because I know the family mentioned, you know, I don't
4 know, that was the only negative thing they said to me,
5 you know, they said I don't understand why they had to
6 put their knee on her back like that.

7 And I explained to them, you know, why, but, you
8 know, other than that, everything was very positive
9 that they said. And I think they understood that after
10 I explained it.

11 But that was just the best way to get her to
12 comply, you know, to secure her.

13 Q. So Scott Aldridge told you he had to put his
14 knee in her back?

15 A. M-hm, yes.

16 Q. And did he indicate what side he was on her?

17 A. No.

18 Q. And did he indicate what Bryan Myers was doing
19 while Aldridge was putting his knee on Tanisha
20 Anderson's back?

21 A. No, he didn't.

22 Q. And it was by virtue of that conduct by the
23 officers that they were able to bring her arms behind
24 her back; is that what your understanding is?

25 A. That's my understanding, that that's how they

1 **were able to secure her in the handcuffs.**

2 Q. When you observed her, a lot of larger people
3 need a couple of cuffs, was it one set or two?

4 A. I don't recall. I think it was one. I don't
5 recall two sets.

6 Q. So but her arms were pulled tightly behind her
7 back?

8 A. I don't know if it was tightly, but they were
9 behind her back.

10 Q. Did Scott Aldridge in this conversation before
11 you assessed Tanisha Anderson's breathing, did Scott
12 Aldridge indicate how long she resisted while they were
13 cuffing her?

14 A. No. I mean, in all honesty, at that point I
15 really wasn't concerned with how this happened. I just
16 wanted her to get medical attention.

17 Q. That's fair, and I understand that. I'm just
18 trying to make sure I get the transfer of all the
19 information you have.

20 A. Right.

21 Q. Did he indicate how long she was conscious while
22 she was on the sidewalk?

23 A. He didn't. He didn't and, again, I think that
24 the only thing that he stressed to me, and it's of huge
25 relevance, is that the family didn't think anything of

1 what was going on. It was something that they saw on a
2 regular basis. So it didn't draw alarm to him.

3 I think as far as by the, you know, by the time
4 I got there, I think at that point she was in need of
5 medical attention, but prior to my arrival I don't know
6 that that was the case. From what he told me and from
7 the reaction of the family, I don't believe it was.

8 Q. Did Scott Aldridge tell you anything about
9 drawing his taser?

10 A. He told me at the hospital.

11 Q. Okay. Well, we'll get to that then.

12 A. Sure.

13 Q. Did you learn anything else from him prior to
14 assessing Tanisha Anderson's breathing, other than what
15 you've already told me?

16 A. No.

17 Q. And did you have any independent conversation
18 with Bryan Myers?

19 A. I had -- I didn't have any conversation with
20 Bryan because he was a probationary at the time. I did
21 have independent conversation with Officer Muniz and I
22 got additional information as far as what was told to
23 him the first time that they were there. That was
24 actually a day or two later.

25 Q. Okay. We'll get to that, too.

1 At the scene, though, did you have any
2 conversation with Bryan Myers?

3 **A. No.**

4 Q. All right. So you have rolled Tanisha over, you
5 think you see her breathing.

6 **A. Yes.**

7 Q. And did she continue to breathe in your
8 assessment using observing her chest all the way up
9 until EMS got there, or did there come a time when she
10 stopped?

11 **A. No. We stayed on the -- I stayed next to her**
12 **and kept monitoring her. The family brought a blanket**
13 **out and, you know, I wanted to keep a close eye on her**
14 **in case I needed to begin CPR, and it wasn't necessary.**

15 Q. Were you trained in CPR?

16 **A. I was not trained. I was trained -- I should**
17 **say I was not certified. We were trained years prior.**
18 **I think it might have been in the academy, I don't even**
19 **recall the date.**

20 Q. And your hire date again was?

21 **A. '97.**

22 Q. So from '97 till 2014 had you had any refresher
23 courses?

24 **A. There was one refresher course and I want to say**
25 **it may have been like 2009. Maybe prior to that.**

1 Q. Did you have first aid equipment in your zone
2 car?

3 **A. No, we did not.**

4 Q. And had that always been the case from '97 to
5 2014 that you would be trained in first aid but not
6 have any first aid equipment?

7 **A. Unless we bought our own.**

8 Q. You mean literally?

9 **A. We literally would have to buy our own.**

10 Q. Like out of your own pocket?

11 **A. Yes.**

12 Q. Prior to EMS arriving did you have any
13 conversations the family?

14 **A. Yes, I did.**

15 Q. Who did you speak with?

16 **A. I spoke with -- well, it was just briefly with
17 the brother and that's when he, like I said, he told me
18 that they were just, you know, that they were doing
19 their job.**

20 Q. Well, tell me as best you can recall what you
21 said to him and what he said to you?

22 **A. That was it. Honestly, I didn't have a
23 conversation with the family at that point. I didn't
24 feel like it was appropriate. I wanted to wait until
25 everything was okay with Tanisha.**

1 Q. And so --

2 A. I didn't want to start asking them questions.

3 Q. But what did he say?

4 A. It was just when I first got out of the car and
5 that's when he said that, you know, these officers were
6 just doing their job.

7 Q. That's it?

8 A. He said something in regard to Tanisha. I don't
9 want to misquote him. It was something -- something
10 along the lines that, you know, she brought this on,
11 basically.

12 Q. Did any other family member have anything to
13 say?

14 A. Not on scene.

15 Q. Where was the brother when you spoke to him?

16 A. That was right on the sidewalk.

17 Q. Were there any other family members close by
18 him?

19 A. I want to say it was her mother and then maybe
20 his wife.

21 Q. Did you say anything to them? Did they say
22 anything to you?

23 A. I don't recall. I just recall my conversation
24 with them at the hospital.

25 Q. Any other conversations with anyone prior to EMS

1 arriving?

2 **A. No.**

3 Q. Were you on the radio with anyone prior to EMS
4 arriving?

5 **A. No, not that I recall.**

6 Q. Did you call for EMS or did one of the officers?

7 **A. Bryan Myers called for EMS.**

8 Q. When EMS arrived did you know the EMS crew?

9 **A. No.**

10 Q. What did you say to them, and what did they say
11 to you?

12 **A. I don't remember saying anything to them. They**
13 **just basically started doing their thing, checking her**
14 **out, and we unhandcuffed her.**

15 I did explain to them, you know, that I kept her
16 cuffed because we weren't so sure that she wasn't
17 faking. I didn't want to take the cuffs off and then
18 have her start fighting again.

19 Q. So the cuffs were removed only when EMS got
20 there?

21 **A. Yes.**

22 Q. And who removed the cuffs?

23 **A. I don't recall. I don't recall who took them**
24 **off. I remember helping, but.**

25 Q. What did you do to help?

1 A. I don't know if I actually -- if I was the one
2 -- because sometimes they're hard, it's hard to see.
3 Depending on how they're positioned, it's hard to see
4 the little hole to get them uncuffed.

5 So I don't remember if I held her hands or if I
6 actually uncuffed them. I remember helping, though.

7 Q. What did EMS do as they -- what do you mean by
8 they did their thing, what did you observe?

9 A. Well, they actually put her on the stretcher and
10 took her to the EMS wagon. And, well, they did put her
11 -- see, I'm sorry, I'm not --

12 Q. That's okay.

13 A. I don't know what they did exactly, but they
14 made sure that, you know, that she had a pulse because
15 it's my understanding if she didn't they would have
16 probably started CPR immediately.

17 But they put her on the stretcher and took her
18 to the wagon.

19 Q. So they did not start CPR while she was out on
20 the sidewalk.

21 A. No.

22 Q. They put her on the stretcher, put her in the
23 wagon.

24 Did you observe, did they do any other
25 interventions prior to her going inside the ambulance?

1 **A. Not that I observed.**

2 Q. And then when she was in the ambulance did you
3 observe what they were doing?

4 **A. I didn't.**

5 Q. Did they run any assessments, electrocardiogram,
6 the AED machine?

7 **A. I'm sorry, I don't know.**

8 Q. Did they speak to you at all before they left
9 the scene?

10 **A. They didn't speak to me. I know they -- I**
11 **remember them telling the family, you know, because the**
12 **family obviously at that point was concerned. And I**
13 **just remember the EMS supervisor was there and she**
14 **said, you know, we're doing all that we can and**
15 **reassured the family and that was it.**

16 Q. Did she -- was this a man or woman, this EMS
17 supervisor?

18 **A. It was a female.**

19 Q. Did she indicate the condition of Tanisha at
20 that point?

21 **A. No.**

22 Q. Did she indicate whether there was heart
23 activity or --

24 **A. She didn't.**

25 Q. And did she share that information with you?

1 **A. No. I didn't know anything until we got to the**
2 **hospital.**

3 Q. Did you make any radio broadcast before you went
4 to the hospital?

5 **A. I don't recall for sure, but I would imagine I**
6 **told radio that we were going to the hospital. That's**
7 **usually standard protocol.**

8 Q. When you arrived at 1374 Ansel, was there any
9 representative of the union there?

10 **A. At Ansel, no.**

11 Q. Before you left and went to the hospital, was
12 there a union representative there?

13 **A. At the hospital?**

14 Q. No, no. At the house.

15 **A. No.**

16 Q. So before you went to the hospital was there any
17 other Cleveland Police representative present at 1374
18 Ansel other than you, Myers, and Aldridge?

19 **A. No.**

20 Q. How long were you at 1374 Ansel before leaving
21 for the hospital?

22 **A. I don't know. I'm sorry.**

23 Q. More than 15 minutes?

24 **A. Yes, it was more than 15 minutes.**

25 Q. More than 30 minutes?

1 A. Probably if I had to guess, closer to a half
2 hour, 45 minutes at least.

3 Q. Did there come a time when you called in to your
4 supervisor the status of what was going on?

5 A. Yes. When I got to the hospital I called my
6 lieutenant to let him know, that was right after I got
7 information from the hospital that she -- that Tanisha
8 had expired. So I called my lieutenant to let him
9 know.

10 And then I believe he made the call to our
11 dispatch. Usually with an incident like this they'll
12 put out what's called a group 1 page, so they'll notify
13 all the, from the best of my knowledge, I think it's
14 all the command staff becomes aware of it, and they
15 send out our Use of Deadly Force Investigation Team.

16 And I think when they make that page is when I
17 believe that page also includes, I don't know if radio
18 notified the union, I know I didn't.

19 Q. Okay.

20 A. But somehow they were notified.

21 Q. So you got to the hospital and you said earlier
22 that you spoke with Aldridge at the hospital.

23 A. Yes.

24 Q. What did he tell you?

25 A. Well, he told me -- he just -- he said, sarg,

1 you know, I don't understand. We spent so much time
2 calming her down, and he's like we did breathing
3 exercises with her, you know, everything was fine, we
4 walked her to the car, she was, you know, completely
5 cooperative.

6 And then he said, and then she just went crazy
7 once she got to the zone car. She sat in the back seat
8 and I don't know if it just had a very negative effect
9 on her.

10 And I asked him again, you know, what had
11 happened as far as, you know, the struggle with her,
12 and then that's when he explained, because the family
13 mentioned to me again, I don't remember if it was the
14 sister or the mother, and she said, you know, they did
15 -- because she said to me, reiterated what Scott had
16 told me and officer Aldridge.

17 And she said they even went and got her shoes
18 for her and, you know, they were so patient and they
19 took their time talking to her.

20 And she said but, she said, I just don't
21 understand why -- I think it was -- I think it was
22 Tanisha Anderson's sister-in-law that said this, if I
23 remember correctly.

24 And then that's when she said, you know, it just
25 seemed like he didn't really have to put his knee in

1 her back like that. And I explained to her, and then,
2 you know, I asked Scott to explain to me how it
3 happened again.

4 And he said, you know, she was kicking and she
5 was, you know, she was just out of control. We had to
6 take her down to the ground to get her cuffed.

7 Q. Did he explain how he took her down to the
8 ground?

9 A. No. I don't recall any of the details. You
10 know, once we got to the hospital I knew that the
11 investigation was being taken over by the use of deadly
12 force team, so I really didn't ask many more questions.

13 Q. But on at least two occasions, both at the house
14 and at the hospital, he indicated that he had taken her
15 to the ground to get her cuffed, and in the course of
16 that use of force he had placed his knee on her back;
17 is that fair?

18 A. Right.

19 Q. In either of those discussions with Scott
20 Aldridge about what happened did he indicate how far
21 she had moved away from the car before he took her to
22 the ground?

23 A. He didn't.

24 Q. While you were talking with Scott Aldridge and
25 he was explaining these facts to you, was Bryan Myers

1 within earshot?

2 A. I don't recall where Bryan was.

3 Q. Where in the hospital did you have this
4 discussion with Scott Aldridge?

5 A. We were -- it was outside of the emergency room.
6 The only thing I can remember is that the family room
7 was like right there. I remember the door to the
8 family room. You know, usually they have that private
9 room where they can go sit away from the waiting area.

10 I just remember we were standing there and
11 because two -- well, no, that's when I talked to I
12 think it was the sister-in-law again.

13 And that's when she, she kept, for whatever
14 reason, she kept talking, discussing her medication.
15 Like I never questioned anything about the medication,
16 she kept bringing it up.

17 She's like, you know, she doesn't have access to
18 it, I don't know what happened, you know, we don't let
19 her have it.

20 And it really didn't make sense to me why she
21 kept bringing it up until I had a conversation days
22 later with Officer Muniz, and that's when he told me,
23 well, the reason she kept bringing it up is because she
24 told me that they couldn't control her so they gave her
25 her second dose of medication early. Now, I don't know

1 what this medication was for. And then they gave her a
2 sleeping aid along with it.

3 And then he said, he goes, in her words she said
4 we gave her a sleeping aid and it was enough to knock a
5 horse out.

6 So in my mind the family had told us at the
7 hospital that she had a heart condition, so I'm
8 thinking whatever this mix of medication and this
9 sleeping aid, maybe that had an adverse reaction to
10 whatever was going on with her.

11 Q. So you're talking to what family members at the
12 hospital?

13 A. Again, I don't know exactly their relation, but
14 I believe it was the brother's wife and then her mother
15 I think was there.

16 Q. Anyone else?

17 A. I think her son. I just remember two juveniles,
18 there was a boy and a girl, they were like teenagers.

19 Q. Okay.

20 A. Because I remember he came out of the family
21 room and he was basically singing the officers'
22 praises. He's like thank you, we appreciate what you
23 do, we know you have a tough job, and she's in a better
24 place now, and like he was very accepting of it. And I
25 do believe that was her son.

1 Q. Anyone else present?

2 A. There might have been, but I don't recall.

3 Q. Were there any other police department
4 representatives present when you had this conversation
5 with family members?

6 A. Officer Aldridge might have been standing there,
7 but I don't believe anybody else.

8 Q. And did -- you told me that the son was saying
9 that what you believe to be his mother was in a better
10 place now, and you said he was singing the officers'
11 praises.

12 What was he saying?

13 A. Well, just saying, you know, you guys have a
14 very tough job and we appreciate what you do, and that
15 was the extent of it. It was nothing specific.

16 Q. What did the mother say?

17 A. I don't recall what the mother said.

18 Q. So the only family member that talked to you
19 about what actually happened was the woman that you
20 believe to be the brother's wife?

21 A. Yes, and I just -- again, you know, she kept --
22 she was just concerned. She wanted us to know that,
23 you know, everything was fine with her medication, that
24 she doesn't have access to it, and like, you know, it
25 was like she wanted us to know that there was no way

1 she got to her meds. Kind of like she just wanted us
2 to know that they keep control of them.

3 Q. But she volunteered also that they had given her
4 a second dose of medication early?

5 A. She didn't say that to me. She said that to
6 Officer Muniz.

7 Q. All right. And so this other statement about
8 giving her a sleeping aid, enough to knock a horse out,
9 that was to Muniz?

10 A. Yes.

11 Q. Okay. So to you she said that Tanisha didn't
12 have access to her meds, the family controlled all
13 that.

14 Any other statements to you about her
15 medication?

16 A. Nothing about the medication. Just that, you
17 know, she explained to me how well the interaction had
18 gone with Officer Aldridge and Tanisha.

19 Q. What do you mean by that? What did she say?

20 A. That's when she said to me, you know, they
21 really took their time with her and they were patient.
22 You know, they did -- I don't know if she told me they
23 did breathing exercises with her. I think she might
24 have told me that. I know Scott told me that.

25 And then, yeah, just basically she was very

1 grateful that they were able to calm her, have like a
2 calming effect on her and to get her to go willingly to
3 the hospital.

4 Q. And did she have anything to say about how the
5 officers conducted themselves after she -- after
6 Tanisha no longer wanted to go to the hospital?

7 A. That wasn't until the use of deadly force team
8 arrived. As soon as --

9 Q. Okay. Well, let's --

10 A. That's when she --

11 Q. I want to get to that, but I want to also just
12 make sure I get everything you had when you're alone
13 with her and Scott.

14 Anything else volunteered at that point?

15 A. Not at that point.

16 Q. Any other information you get from family
17 members at that point?

18 A. Nothing other than that they had mentioned that
19 she did have a heart condition.

20 Q. Okay.

21 A. They weren't specific about that, but, you know,
22 she did have medical issues was the information that we
23 got.

24 Q. And you're still there and the use of deadly
25 force team arrives.

1 And prior to the use of deadly force team
2 arriving have I learned everything you knew or you had
3 learned from the family and from Scott Aldridge, or is
4 there something else that we haven't talked about?

5 **A. No, that was everything.**

6 Q. But then you observed or heard some stuff go
7 down and some conversation after the use of deadly
8 force team arrived. Tell me about that.

9 **A. Well, that's when the sister-in-law approached**
10 **me. I don't know if it was because she felt -- I don't**
11 **know if she saw these men in suits and just thought,**
12 **well, things kind of changed.**

13 Q. Well, Rhonda Gray was there, right?

14 **A. Rhonda Gray was there, yes. And I don't know at**
15 **what point, I just -- I know that they introduced**
16 **themselves to the family.**

17 Q. And who introduced themselves?

18 **A. That was Sergeant Dierdre Jones and Detective**
19 **Gray.**

20 Q. All right.

21 **A. I don't recall who else was there.**

22 Q. Was Borden there?

23 **A. I don't remember. I'm sorry.**

24 Q. Were any of the internal people there yet?
25 Heffernan? Goins?

1 A. I want to say they went to Ansel, because I know
2 half were at the hospital and then they went to Ansel
3 because they had to do their walk-through with the
4 prosecutor, I think.

5 Q. Anyway, Dierdre Jones, Detective Gray, maybe
6 some others introduced themselves --

7 A. Right.

8 Q. -- and then what happened?

9 A. Well, I think it was concerning to them when
10 they heard them say we're from the Homicide Unit. So
11 then I think all of a sudden in their minds they're
12 like, wow, these officers must have really done
13 something wrong here, because why is the Homicide Unit
14 here.

15 So that's when the sister-in-law approached me
16 and said, you know, I don't think it was right. I
17 don't know why he had to put his knee in her back like
18 that.

19 And that's when I proceeded to explain to her
20 what was told to me by Officer Aldridge. And she
21 seemed to be understanding of it, but I don't know.

22 Q. The brother had also mentioned concerns about
23 that back at the house, right?

24 A. I don't remember the brother saying anything to
25 me about it.

1 Q. Okay. So she mentioned that. And did she say
2 anything else other than her concern about the knee
3 on --

4 A. No, and that was, again, that was the first time
5 I heard anything negative from any of the family.

6 Q. The concern she was raising was based in facts
7 that even Scott Aldridge had told you, right?

8 MR. MALLAMAD: Objection.

9 You can answer.

10 BY MR. GERHARDSTEIN:

11 Q. I mean, he had said to you that he had put his
12 knee on Tanisha Anderson's back.

13 MR. MALLAMAD: Objection.

14 You can answer.

15 A. Oh, right, I did know that that took place and I
16 -- yes.

17 Q. All right. Did you learn anything else from the
18 family after the use of deadly force team showed up?

19 A. The only thing I learned, it wasn't from family,
20 but apparently the family had mentioned something to,
21 and I apologize, I don't know if it was at the hospital
22 or at the house, but somehow Lieutenant Goins, I
23 believe, had gotten information that Officer Aldridge
24 had pulled a taser.

25 He didn't mention that. I don't know if it was

1 because he didn't use it, so he just didn't, you know,
2 and so then when I asked, I said, Scott, did you at any
3 time pull your taser, he says yes, I did, he said, but
4 I didn't use it. He goes, I would have never used it
5 on her.

6 And he said I just wanted -- he's like I just --
7 I wanted her to comply. I think he wanted -- he
8 thought maybe if he pulled that, that he wouldn't --
9 there wouldn't have been such a struggle. He thought
10 maybe it would intimidate her a little bit.

11 Q. Did Scott Aldridge tell you that Tanisha
12 Anderson's brother had urged him not to use his taser?

13 A. He did.

14 Q. And did he indicate that he complied with the
15 brother's request, that he put the taser away?

16 A. Yes.

17 MR. MALLAMAD: Objection.

18 You can answer.

19 A. Oh, I'm sorry, yes.

20 But he did, he reiterated, he said, sarg, I
21 would have never used it, I would have never used it.
22 He just -- because he felt like, you know, using it on
23 -- I think things being the way they are with our
24 department, I think unfortunately that's almost what
25 we've come to. The guys are, they just know that it

1 looks bad.

2 Q. What do you mean?

3 A. He felt like if he were to use a taser on
4 someone that was having, even though that's why they
5 were initially issued to us, they're now, the media has
6 made it so that if we use them on somebody that's
7 mentally ill or disabled in any way that, you know,
8 that we're like bullies, and I think that was in the
9 back of his mind.

10 Q. Did he say that?

11 A. Well, no, but he said, he just said, I would
12 have never used that on her.

13 Because, you know, he knew she was on medication
14 and he knew she was having issues, and I think he
15 thought that that probably wasn't the right course to
16 follow.

17 Q. Did you learn anything else while you were still
18 at the hospital about what had happened?

19 A. No.

20 Q. How did you come to learn that Tanisha had
21 passed?

22 A. The hospital staff told me. They were working
23 on her for a bit in the ER. And then -- actually, no,
24 I'm sorry. I think it was the paramedics that told me.
25 Yeah, I think it was the paramedics that brought her

1 in.

2 Q. Was it your understanding that she had died on
3 the way to the hospital?

4 A. No. My understanding was that she died at the
5 hospital.

6 Q. So when you say the paramedics told you, tell me
7 the sequence of events.

8 A. Well, they stayed at the hospital while the
9 hospital staff was -- and when I say working on her,
10 I'm sorry, I don't know exactly what was going on in
11 the emergency room, but so eventually I approached them
12 and asked them. I said, you know, what is her status,
13 and then that's when they said that she had expired.

14 Q. How long after you got to the hospital did you
15 have that conversation with the EMS people?

16 A. I don't believe much time had gone by, maybe 10
17 minutes. Could have been longer than that.

18 Q. And how long after that did the family learn she
19 had died?

20 A. I don't recall, I'm sorry. I don't even
21 remember who told her. It was probably around the same
22 time, though.

23 Q. And forgive me if I have this wrong, do I recall
24 correctly that you called your lieutenant for the first
25 time from the hospital?

1 **A. I did.**

2 Q. And that you believe triggered the protocol on
3 getting the use of deadly force team out and so on?

4 **A. Well, I knew that was the protocol.**

5 Q. Right.

6 **A. I just wanted to go up the chain of command.**

7 Q. But it was your call that started it, right?

8 **A. Yes.**

9 Q. Because they wouldn't have known about it
10 otherwise.

11 **A. Yes. Yes, yes.**

12 Q. So how long after you made that call to your
13 lieutenant did the use of deadly force team show up at
14 the hospital?

15 **A. I don't recall.**

16 Q. I mean, an hour?

17 **A. I don't believe it was that long.**

18 I know that they had already -- they were --
19 they had been out on another homicide, so they might
20 have never even gone home. I think they came right to
21 ours.

22 Q. Have I covered everything that you learned while
23 you were at the hospital?

24 **A. I believe so.**

25 Q. There came a time a couple days later when you

1 had a conversation with Officer Muniz that you were
2 going to tell me about, but now I'm ready to hear it.

3 **A. Okay, sorry.**

4 Q. So tell me about that. When was that and where
5 was it?

6 **A. Well, I saw him at the district again maybe two**
7 **days later, and we were discussing what had taken**
8 **place.**

9 And he said, you know, that family told me that
10 they had to give her her medication early because they
11 couldn't get her to calm down, they were kind of at
12 their wits' end, they really didn't know what to do.

13 And so they gave her her second dose early and
14 then they gave her a sleep aid thinking that that would
15 again calm her or put her to sleep. And he said in
16 their words, it was enough to knock a horse out.

17 Q. Did he indicate what meds they were talking
18 about?

19 **A. No.**

20 Q. Did he indicate whether he had shared this
21 information with anyone else?

22 **A. He didn't.**

23 Q. Did you advise him one way or the other as to
24 whether he should share that information with anyone
25 else?

1 A. Well, I requested him at the time, I said, well,
2 I think that's important for you to report. And he
3 said okay. And he just wanted to double-check on how
4 to go about it, so he consulted his union
5 representative.

6 And they knew that -- the union representative
7 knew that he was going to be called down for a
8 statement. I believe it was Internal Affairs, so he
9 said, well, you give them all the details at that
10 point.

11 And he explained that to me, and I was fine with
12 that. I just wanted to make sure that whoever was
13 investigating this was made aware of it.

14 Q. Did you have any additional conversations with
15 Muniz about statements he had heard from the family or
16 anything else?

17 A. No. You know, he just, again, reiterated that
18 when they were there on scene, he said there really was
19 no reason for us to force her to the hospital.

20 You know, we explained to the family, like if
21 you think that she needs medical attention, you know,
22 by all means, we'll have EMS respond, but we can't
23 force her to go for a psychiatric evaluation if, you
24 know, she's not at risk for suicide or she didn't
25 overdose or anything.

1 And, you know, like he said, he said, I think it
2 just all escalated and then an hour and a half, two
3 hours later, we got called back.

4 Q. Is it your understanding that the statement
5 about giving her sleep aid sufficient to knock a horse
6 out, that that was made when Muniz was at the house
7 during the initial run to 1374 Ansel?

8 A. It's my understanding that that's when he was
9 given that information from the family.

10 Q. Right, because he didn't have any other contact
11 with him, right?

12 A. No.

13 Q. Who from the family told him that?

14 A. I don't know. He probably told me, I just don't
15 remember. I'm sorry.

16 Q. His partner was McGrath?

17 A. Yes, he was also I believe a probationary
18 officer at the time.

19 Q. Did you ever have any conversations with McGrath
20 about that first run?

21 A. I did not.

22 Q. So you've told me what you learned at the
23 hospital, you told me what you learned from Muniz a
24 couple of days later.

25 Going back to the hospital, what did you do? Is

1 there anything else you did while you were at the
2 hospital on the night or the early morning hours of the
3 13th, I guess we are now.

4 A. Once the Use of Deadly Force Investigation Team
5 got there, it's basically just turned over to them. So
6 at that point Sergeant Tucker needed the taser
7 downloads, because they wanted to ensure that the
8 tasers weren't used by either officer.

9 So that was really the last part I had in this,
10 was turning that taser download over to Sergeant
11 Tucker.

12 Q. How did you go about securing the taser
13 download?

14 A. We -- I apologize. I can't remember if -- I
15 don't remember who actually took the tasers from the
16 officers, but we, myself and Sergeant Tucker, took the
17 tasers back to the district, downloaded them on the
18 computer, and then got the actual printout which
19 details every spark test, every use of that taser going
20 back to when it was issued.

21 And then that download was taken back to
22 Internal Affairs by Sergeant Tucker.

23 Q. Did you notice anything significant when you
24 downloaded the taser --

25 A. No, they didn't use their tasers.

1 Q. Did they even spark test them before the shift
2 began?

3 **A. Honestly I don't remember.**

4 Q. You'd agree that in 2014 Cleveland did not have
5 in place any system for measuring the amount of actual
6 current that was discharged by a taser when it was
7 being used, right?

8 MS. DINEHART: Objection.

9 MR. MALLAMAD: Objection.

10 You can answer.

11 **A. I actually can't answer that. I don't know.**

12 Q. Well, you carry a taser, right?

13 **A. I do.**

14 Q. Did you ever test the amount of energy it was
15 outputting?

16 **A. No.**

17 Q. Anybody ever tell you that there was a system
18 for testing the amount of energy that it was putting
19 out?

20 **A. Not that I'm aware of.**

21 Q. So you go back to the district, you get the
22 taser downloaded with Lieutenant Tucker?

23 **A. He was sergeant at the time, yeah.**

24 Q. And then what did you do?

25 **A. I don't even know what time it was at that**

1 point. I know I had breakfast and did my paperwork.

2 Q. Did you ever go back to 1374 Ansel?

3 A. I want to say that we went back, that's where we
4 went to get the tasers, but I can't recall a timeline.
5 I think we went after the hospital to 1374.

6 Q. Did Tucker join you at the hospital?

7 A. I don't remember.

8 Q. But he needed to find Aldridge and Myers to
9 retrieve their tasers.

10 A. I just remember -- I don't remember retrieving
11 the tasers from them. I think that maybe Lieutenant
12 Goins did. I could be wrong. I'm sorry, I just don't
13 remember.

14 Q. But he was at the house.

15 A. He was at the house. That's why I say, I want
16 to say we went back to the house from the hospital,
17 because once I got back to the district, I never went
18 back to the scene or the hospital. I started my
19 reports.

20 Q. As you reflect on this going back to the house
21 from the hospital, did you have occasion to be present
22 when the two officers did the walk-through with the use
23 of deadly force team?

24 A. I wasn't part of the walk-through. I might have
25 been on the street, but I wasn't part of the

1 walk-through.

2 Q. Did you hear anything that was said during that?

3 A. I didn't.

4 Q. Do you have as we sit here today any
5 recollection of observing them doing the walk-through?

6 A. I don't.

7 Q. When you went back to the scene -- well, at any
8 time, was there ever a crime scene log established?

9 A. I did not establish one.

10 Q. Why not?

11 A. Well, I guess because at the time there was no
12 -- it wasn't protocol. She was -- it was a crisis
13 intervention situation and we don't do crime scene logs
14 for that. There was -- it wasn't a crime.

15 Q. Well, as early as the time you uncuffed her and
16 let the EMS take custody of Tanisha you knew that there
17 had been force used to secure her in handcuffs and
18 place her on the ground, right?

19 A. Right, but we still don't do crime scene logs or
20 use of force investigations. The only time we would do
21 a crime scene log is if it was a use of deadly force
22 situation. At that point it was not.

23 So I believe that from -- while I was at the
24 hospital, it's my understanding that they went back,
25 secured the scene, and from that point did their

1 **walk-through.**

2 Q. Who went back and secured the scene?

3 **A. Well, it would have had to have been the Use of**
4 **Deadly Force Investigation Team, because they took over**
5 **the investigation. But, again, I don't -- I don't know**
6 **for certain.**

7 Q. Were you working in the days that followed? You
8 didn't go away on vacation or --

9 **A. No.**

10 Q. So you were working?

11 **A. I was working.**

12 Q. Were you ever interviewed by the Use of Deadly
13 Force Investigation Team?

14 **A. I was not.**

15 Q. Were you ever interviewed by any supervisor
16 regarding your own personal involvement in the facts
17 surrounding Tanisha Anderson?

18 **A. I was not interviewed.**

19 Q. Did you ever write any detailed report of your
20 encounter with Tanisha and the statements made by
21 Officer Aldridge?

22 **A. I did.**

23 MR. MALLAMAD: Just for a
24 second, I see these are both 48 here,
25 Janet.

1 THE NOTARY: This
2 should be 49, I'm sorry.

3 So let me remark this.

4 MR. GERHARDSTEIN: And we'll
5 put it on the record after you do it.

6 (Thereupon, Plaintiff's Exhibits 49,
7 50, and 51 to the deposition of SERGEANT
8 ROCHELLE BOTTONE were marked for
9 identification.)

10 BY MR. GERHARDSTEIN:

11 Q. Showing you what's been marked as Exhibit 50,
12 can you tell what that is?

13 A. **It's my daily duty report.**

14 Q. And when was that created?

15 A. **November 12th, 2014.**

16 Q. Now, you went off duty on the 13th, right?

17 A. **At 8:00 a.m., yes.**

18 Q. So do you write that up at the end of the day?

19 A. **Yes.**

20 Q. Do you do this every day at the end of your
21 shift?

22 A. **Yes, I do.**

23 Q. So was this prepared on the 13th at the end of
24 your shift?

25 A. **Yes.**

1 Q. At 12:30 in the morning it looks like you
2 indicate that, it says conveyed to Cleveland Clinic.
3 Do you mean that that's when Tanisha was conveyed
4 there?

5 **A. Yes.**

6 Q. Expired at hospital, use of deadly force team
7 notified, family notified by medical, confer with
8 Homicide Unit. Is that you conferring with Homicide
9 Unit?

10 **A. I conferred with Sergeant Jones at the hospital**
11 **and that's when she advised me that she would need this**
12 **what we call Form 1 documenting my involvement in the**
13 **incident.**

14 Q. And when did you talk to her at the hospital?
15 Was that before or after your conversation with
16 Scott Aldridge and with the family?

17 **A. It would have been after.**

18 Q. And what else did you say to Sergeant Jones and
19 what did she say to you?

20 **A. I don't recall exactly. I just know that I gave**
21 **her a brief rundown of what took place on scene and**
22 **that was really it, because I knew she was going to**
23 **interview everybody.**

24 Q. Then this also says, at least at I read it, that
25 you conferred with Internal Affairs Unit, Lieutenant

1 Goins; am I reading this right?

2 A. Yes.

3 Q. So what did you say to Goins and what did he say
4 to you?

5 A. I honestly don't remember talking to Lieutenant
6 Goins. I'm sure I did, but. It could have only been
7 that, let's see, I know I talked to -- that might have
8 even been -- some of these were a landline, because
9 like Captain Bentley was never there. I talked to him
10 on the phone.

11 Q. So Lieutenant Goins, you don't have any specific
12 recollection of what you said to him?

13 A. I don't.

14 Q. And what about Captain Bentley? You called him
15 on the phone, what did he say?

16 A. He called me.

17 Q. Okay.

18 A. Yeah, he called me. He just wanted to make sure
19 everything was okay.

20 Q. What's that mean?

21 A. Well, because of there being a use of force
22 call-up, use of deadly force investigation call-up,
23 that's just part of the union's, their representation.
24 They just want to make sure that we don't need to
25 discuss anything with them regarding the facts of the

1 **-- it's just procedure.**

2 Q. And the FOP was your union.

3 **A. My union.**

4 Q. Because that's sergeants and up?

5 **A. Yes.**

6 Q. And then the CPPA was Aldridge and Myers' union?

7 **A. Right.**

8 Q. And did you talk to Follmer?

9 **A. I spoke with him briefly, but it was nothing**
10 **related to this. It was just hi, how are you, because**
11 **we used to work together.**

12 Q. Did you speak to him at the hospital or at --

13 **A. It was on Ansel.**

14 Q. Was it before you went to the hospital or when
15 you went back?

16 **A. I want to say it was when I went back.**

17 Q. And does any of this refresh your recollection
18 as to whether he was there before Tanisha Anderson left
19 for the hospital?

20 **A. I'm sorry, can you say that again?**

21 Q. Does any of this help you remember one way or
22 the other whether Follmer was there prior to Tanisha
23 Anderson leaving for the hospital?

24 **A. Oh, he was not. He definitely wasn't.**

25 Q. And then if I'm reading this right, it looks

1 like you also talked to Detective Crowell?

2 **A. That took the photos.**

3 Q. All right.

4 **A. Yeah.**

5 Q. And what did you say to Detective Crowell?

6 **A. Well, because they're on here, it doesn't mean**
7 **that -- see, right here it says confer with Homicide**
8 **Unit, Internal Affairs, Lieutenant Goins.**

9 Q. Right.

10 **A. I didn't confer with Detective Crowell about**
11 **anything. I just put her name because she was there**
12 **for the photos.**

13 Q. All right.

14 **A. That's probably a little misleading. I**
15 **apologize.**

16 Q. That's all right, I just need to know.

17 And what about Captain Heffernan?

18 **A. I don't remember speaking with him. I just put**
19 **him there because he was on scene.**

20 Q. And it's your understanding -- so this does
21 confirm that you did go back to Ansel?

22 **A. Yes.**

23 Q. And but it's your testimony that you don't
24 recall having any conversation with Crowell or
25 Heffernan.

1 **A. No, I don't.**

2 Q. Confer with UDFIT c/w walk-through, what's that
3 mean.

4 **A. Oh, connection with the walk-through. They were**
5 **basically just telling me that that's what they were --**
6 **that was the next part of the investigation, but I**
7 **wasn't part of it.**

8 Q. So you were not present at the walk-through or
9 you --

10 **A. I was on Ansel but I was not -- I mean, they**
11 **didn't want me there with them as part of it.**

12 Q. When the walk-through did occur, did both Myers
13 and Aldridge do the walk-through together?

14 **A. That I don't know. I would imagine they would**
15 **do it separately, but I can't answer that.**

16 Q. Have you ever been part of the UDFIT team?

17 **A. No.**

18 Q. Prosecutor's office notified by UDFIT.

19 Was that something you were involved in?

20 **A. No. From my understanding they usually want a**
21 **prosecutor there for the walk-through, but I don't know**
22 **that a prosecutor ever responded.**

23 Q. Did you observe a prosecutor present during the
24 walk-through?

25 **A. I don't recall seeing a prosecutor.**

1 Q. And why would in your memo there be any
2 reference to the notification of the prosecutor?

3 I mean, did you witness it?

4 A. Probably because I was given that information
5 that they were notified and I didn't want it to appear
6 that anything was overlooked as far as on my end.

7 So even though that was not necessarily my
8 position to make that notification, because I was aware
9 of it, I put it in there.

10 Q. Did you witness the notification?

11 A. I did not.

12 Q. Then we have the downloads, we have the printout
13 going to Tucker, and then we have breakfast.

14 A. Yes.

15 Q. Monitor radio is simply what you normally do.

16 A. Right, just listening to make sure everyone's
17 answering their assignments.

18 Q. And then we get back to this case, Third
19 District, confer with Sergeant Jones of Homicide Unit
20 by a landline, Form 1 to be completed as beginning of
21 next tour of duty.

22 What's that mean?

23 A. Well, I spoke with her because I didn't know if
24 she wanted my report immediately or if it was okay --
25 because I started it and then I just wanted to take a

1 day, look at it the next day with fresh eyes, and then
2 forward it to her.

3 So I completed it the next day and gave it to
4 her.

5 Q. And is Exhibit 51 the Form 1?

6 A. Yes, it is.

7 Q. So Exhibit 51 is the document you prepared
8 summarizing the Tanisha Anderson incident?

9 A. Yes, it is.

10 Q. And that's a Form 1?

11 A. Yes.

12 Q. And do you type this up on a computer at the
13 district?

14 A. I do.

15 Q. Is it saved to the system?

16 A. It's saved to my personal flash drive.

17 Q. You keep your documents on a flash drive?

18 A. Yep. Yes.

19 Q. So they aren't part of any networked --

20 A. Well, they are now. They've created a new --
21 they implemented a new software within our department,
22 so this is all -- it's all handled differently now.

23 Q. When was this written?

24 A. It was 2014.

25 Q. And what date did you write it?

1 **A. It would have been my next tour of duty, but it**
2 **was after midnight, so it's dated November 14.**

3 Q. And you looked at this before you testified
4 today, right?

5 **A. Yes, I did.**

6 Q. Did you look at anything else before you
7 testified today?

8 **A. I did not.**

9 Q. Did you listen to any radio traffic before you
10 testified today?

11 **A. No, I did not.**

12 Q. You mention a Medic Sherman being present and
13 reporting that Tanisha Anderson's pulse was faint.

14 Did I read that correctly?

15 **A. Yes.**

16 Q. Towards the bottom?

17 **A. Yes.**

18 Q. Do you know Sherman?

19 **A. I do not. I asked him his name and badge**
20 **number.**

21 Q. Have you ever seen the EMS run sheet?

22 **A. I have not.**

23 Q. And then how soon after the EMS vehicle did the
24 fire department arrive?

25 I see you've got CFD Number 22.

1 **A.** I honestly, they came at the same time. It was
2 pretty much the same time.

3 Q. What kind of unit was the fire unit?

4 **A.** I don't recall.

5 Q. Was it a big truck or --

6 **A.** Usually they send either an engine or their
7 actual medic unit, but I don't recall.

8 Q. Did you have any conversations with Lieutenant
9 Martin Corrigan whose name you have in here that you
10 haven't told us about?

11 **A.** No. I just remember him -- I remember him
12 approaching -- I remember him approaching me and just
13 -- but I don't remember what he said. It was nothing
14 of any relevance.

15 Q. And what about EMS Captain Number 646, did you
16 talk to him?

17 **A.** That's the female that I spoke with and she was
18 the one that primarily was interacting with the family
19 and reassuring them that they were doing the best they
20 could with their family member.

21 Q. From '97 to the time that this use of force
22 occurred on Ansel on November 12th, '14, did you ever
23 have any training on positional asphyxiation?

24 **A.** I did.

25 Q. When?

1 A. I don't recall if it was -- I don't recall if it
2 was maybe like an in-service training where they just
3 did a brief maybe like an hour block, but I do remember
4 receiving it.

5 Q. And what did you learn about it?

6 A. Well, what they stressed to us is that you never
7 want to what they would call like hog-tying a prisoner,
8 that we just don't -- that's not part of our protocol.
9 We don't do that.

10 And then aside from that you would never want to
11 secure someone in handcuffs and put them in the back of
12 a zone car or any enclosed area where there wasn't
13 going to be a lot of circulation of air and have them
14 on their stomach while they're in handcuffs.

15 Q. Did you learn anything in this positional
16 asphyxiation instruction about the risks of putting
17 pressure on someone's back who's prone while you're
18 cuffing them?

19 A. I don't recall the pressure on their back. I
20 just know that, again, if it's an enclosed area and
21 they're with their cuffs behind their back, you just
22 want to make sure they're sitting up and not on their
23 stomach.

24 Q. Do you think it's critical being in an enclosed
25 area, or is there an equal risk to respiration simply

1 by having a prisoner prone on the ground when you're
2 cuffing them?

3 MS. DINEHART: Objection.

4 MR. MALLAMAD: Objection.

5 You can answer.

6 **A. Well, my understanding is, what I remember is**
7 **more of an enclosed area.**

8 Q. From your training did you have any practice of
9 after you have cuffed someone who's prone on the ground
10 trying to get them to sit up or at least moved from the
11 prone position, or was that not an issue for you?

12 MR. MALLAMAD: Objection.

13 You can answer.

14 **A. So have I ever had an issue with somebody being**
15 **in that position where I had to move them?**

16 Q. Is that just something that you would take
17 precautions on?

18 Was it your practice to try and move someone
19 away from the prone position after you cuff them?

20 MS. DINEHART: Objection.

21 MR. MALLAMAD: Objection.

22 You can answer.

23 **A. It is. I would not want to secure somebody in**
24 **the back seat of my car in that position. I would want**
25 **them sitting up.**

1 Q. What about on the sidewalk?

2 A. On the sidewalk?

3 It's been practice, especially when there is a
4 struggle like that, if that's -- if somebody's kicking
5 and they're fighting and that's how they end up
6 handcuffed, I've seen it happen many times where
7 they're just left in that position for a minute until
8 they can calm down and, you know, the officer regroups.

9 It's very difficult for an officer to transition
10 from dealing with somebody that's trying to hurt them
11 and then all of a sudden, you know, render medical aid
12 to them.

13 Q. What I'm trying to get at is whether you have
14 been trained to recognize any risk to the respiration
15 of a prisoner who's been cuffed behind her back and is
16 prone on the ground?

17 A. We have been trained to not leave them in the
18 prone position for any extended amount of time in an
19 area where they cannot breathe properly and have proper
20 air circulation, ventilation.

21 Nothing to do with them being -- it's not just
22 solely in that prone position. It's everything
23 combined.

24 Q. So is it your understanding that as long as
25 they're in the open air, leaving them in the prone

1 position poses no risk to their respirations?

2 **A. My understanding, as long as it's not for an**
3 **extended amount of time.**

4 Q. Well, what is --

5 **A. And as long as you can -- as long as you feel**
6 **that they're still able to breathe, as long as they're**
7 **-- and by extended amount of time, I mean, you would**
8 **never -- I couldn't give you a number, but.**

9 Q. I mean, more than two, three minutes, more than
10 -- what are you talking about?

11 How soon would you want to move somebody from
12 the prone position to an upright position once they've
13 been secured?

14 MS. DINEHART: Objection.

15 BY MR. GERHARDSTEIN:

16 Q. And assuming that they're not kicking anymore,
17 don't pose any of those risks.

18 MR. MALLAMAD: Objection.

19 You can answer.

20 **A. It's my understanding that they should probably**
21 **be moved as soon as it's safe to move them, safe for**
22 **themselves and safe for the officer, so I can't give**
23 **you a time.**

24 Q. Is that understanding that you've just expressed
25 something you would expect the officers you supervise

1 to also know?

2 MS. DINEHART: Objection.

3 MR. MALLAMAD: Objection.

4 You can answer.

5 A. I don't know what training they received. I
6 just know what training I received.

7 I've been on the department a lot longer than
8 they have and I know, you know, just like first aid,
9 you know, some officers had it, some officers had
10 recertification, some officers didn't.

11 So I really don't know. I just know what I know
12 and what's expected.

13 Q. Was the in-service or training, that one-hour
14 training you got on positional asphyxiation, something
15 you got through the Cleveland Police Department?

16 A. From what I recall, it was.

17 Q. Did you get it at the Cleveland Clinic?

18 A. Cleveland Clinic?

19 Q. Yeah.

20 A. I don't believe so.

21 Q. Okay. Would there be a written record in your
22 training file of that training?

23 A. I would imagine there would be. I've never seen
24 it, but.

25 Q. Did you get any written materials in connection

1 with that training?

2 **A. I don't recall.**

3 Q. Have you been a field training officer?

4 **A. Yes.**

5 Q. What years did you do that?

6 **A. That would have been two thousand -- I want to**
7 **say 2005 to 2008, approximately.**

8 Q. During that period as part of the many things
9 that you had to supervise the new officers regarding,
10 was positional asphyxiation on the list?

11 **A. I'm sorry, I don't recall when I received that**
12 **training.**

13 Q. Well, do you recall reinforcing lessons about
14 the risks of positional asphyxiation with the officers
15 that you were serving as a field training officer for?

16 **A. I don't. And really the training that I**
17 **received might have been as a supervisor, because we go**
18 **through a week of training as a supervisor when we get**
19 **promoted, so it might have been there that I had it.**

20 Q. And you were promoted when?

21 **A. In 2008.**

22 Q. Who taught you subject control in the supervisor
23 training?

24 **A. I don't recall who our instructors were.**

25 Q. I do have this backed up on my system and I have

1 a copy that we are going to play for everybody. Let me
2 just find it before we go any further.

3 And I have a copy that we're going to play.

4 (Thereupon, an audio recording was
5 played.)

6 BY MR. GERHARDSTEIN:

7 Q. You just heard a little piece of that; is that
8 you?

9 MR. GERHARDSTEIN: Off the
10 record.

11 (Thereupon, there was a discussion
12 off the record.)

13 BY MR. GERHARDSTEIN:

14 Q. So off the record I have just played a portion
15 of some radio traffic that's Bates No. 012383 labeled
16 by the city, Captain 2 updates, RC captain via land, LL
17 SUPS line.

18 **A. That's probably the head dispatcher. That might**
19 **be the supervising dispatcher because I don't know who**
20 **it is she's talking to, but --**

21 Q. Well, it's called Captain 2, so I don't know,
22 maybe sergeants don't talk to captains.

23 Would you be -- would a -- and also, well, let
24 me go back.

25 When you notified your supervisor were you on a

1 landline or --

2 **A. No.**

3 Q. You were on cell phone.

4 **A. Yeah.**

5 Q. Was it your personal cell phone?

6 **A. M-hm.**

7 Q. All right. So who would you have called?

8 **A. I called Lieutenant Sanders, Richard Sanders,**
9 **and then he responded to the hospital.**

10 Q. So that wouldn't have -- and would you have
11 called him on a cell phone?

12 **A. I called him on a cell phone, I did, but now --**

13 Q. So there's no tape of it?

14 **A. No. No.**

15 But now I'm wondering -- I can't remember if
16 he's the one that had dispatch do the group 1 page or
17 if it was me.

18 Either way, they were notified from the
19 hospital, whether it was him or I.

20 Q. So --

21 **A. I don't know who that was.**

22 Q. I'm going to play this through --

23 **A. Okay.**

24 Q. -- only because it appears to me that this
25 caller has information from the scene at the scene.

1 So let's just finish it up and maybe you can
2 help me figure it out.

3 (Thereupon, an audio recording was
4 played.)

5 **A. That's probably the EMS supervisor.**

6 Q. Again, we finished playing that one taped call
7 and I'm looking for your wisdom on who that might
8 possibly be.

9 **A. I think that was the EMS captain, the supervisor**
10 **that came to the scene.**

11 Q. Who was at the scene?

12 **A. She was at the scene.**

13 Q. But paging it out?

14 **A. I know. I don't know what her position is to do**
15 **that. I don't know what paging it out means.**

16 She was talking to our -- she was talking to our
17 **police line?**

18 Q. Again, it's labeled Captain 2, updates RC
19 captain via LL, SUPS line.

20 And I will tell you that other taped calls were
21 prefaced with medic.

22 **A. I'm guessing that's who that was, because she**
23 **was on scene and that sounds like her, from what I**
24 **remember.**

25 Q. But you don't think that that was anybody in

1 your chain of command.

2 **A. No. Because they were --**

3 Q. Jones?

4 **A. No, that's definitely not Jones.**

5 Q. Okay.

6 **A. And it's not Rhonda.**

7 Q. Right.

8 **A. And there was no other female on scene. That**
9 **was --**

10 Q. And who else would have been around? I mean she
11 literally says they're still working on her.

12 **A. Because they were still working on her at the**
13 **hospital. She probably called from the hospital.**
14 **Because her and the other paramedics were there for a**
15 **little bit after.**

16 Q. And there is one line where she says she was in
17 V-fib for a minute, she's back in A-fib. That doesn't
18 sound like the kind of knowledge you would have --

19 **A. No.**

20 Q. -- given your knowledge of medical stuff, right?

21 **A. Fortunately, no.**

22 Q. And so you think it might be the EMS supervisor
23 whose name is not in your --

24 **A. It is in my report.**

25 Q. Oh, it's that number --

1 **A. EMS Captain 646. I just have her badge number,**
2 **I don't have her name.**

3 Q. Okay. Well, we'll still hunt around for it
4 then.

5 **A. Okay.**

6 Q. And I'm going to -- we haven't referred to this
7 because we've mislabeled it.

8 MR. GERHARDSTEIN: Let me
9 just take a short break, okay?

10 MR. MALLAMAD: Okay.

11 MR. GERHARDSTEIN: Thank you.

12 (Thereupon, there was a brief
13 recess.)

14 BY MR. GERHARDSTEIN:

15 Q. In any of the conversations you had with Scott
16 Aldridge did he mention statements Tanisha Anderson was
17 making while she was in the car, counting very rapidly,
18 saying the Lord's Prayer, calling out for relatives?

19 **A. He did not mention that. Or if he did, I don't**
20 **recall.**

21 Q. Was there any body cams on you or the two
22 officers at the time of this incident?

23 **A. Unfortunately, not.**

24 Q. Were there any cruiser cams on you or the two
25 officers at the time of the incident?

1 **A. No, there were not.**

2 Q. There's been testimony in this case about
3 Officer Muniz offering a CAD number to the family so
4 that they could reference it should they need to call
5 back about Tanisha.

6 Did he tell you about that?

7 **A. I was not aware of that.**

8 Q. And is that standard practice, is that
9 acceptable practice, what's your impression of an
10 officer giving a family an identifying number for an
11 incident?

12 MR. MALLAMAD: Objection.

13 Go ahead and answer.

14 **A. Well, I believe that the reason he did it was**
15 **because if they were to call back to dispatch, he would**
16 **want them, if they were able to say, you know, the**
17 **police were already out here and this is the CAD**
18 **number, then it would assist them in coding it, because**
19 **maybe they would know, okay, this might be more of an**
20 **emergency situation this time because we're getting**
21 **called back out there.**

22 And maybe just to make them feel like he wasn't
23 discounting what they were saying, he wanted them to
24 know, like, hey, I understand that you're having issues
25 with your family member but unfortunately it's not a

1 police matter at this point. But, you know, there's a
2 record of you calling if that's something that's going
3 to assist you in calling back.

4 Q. In your experience in all the dialogue you have
5 to do with dispatchers in order to deploy your
6 officers, a repeat call can influence the code?

7 MS. DINEHART: Objection.

8 A. It can, not always. In this situation I don't
9 know that it did, but there are circumstances where it
10 might.

11 Q. Tell me about that, what are some of the
12 circumstances where a family calling again about
13 somebody who's having a mental health crisis might bump
14 it up from a 3 to a 2 or whatever the change would be?

15 MR. MALLAMAD: Objection.

16 You can answer.

17 A. Well, I can't really give you an example, but I
18 can make an example up.

19 If there was a call where the family went out
20 there and -- or, I'm sorry, where the police went out
21 there, spoke with the family, maybe there was just like
22 a verbal argument going on and maybe they said, well,
23 she has mental health issues and sometimes, you know,
24 that comes into play, but maybe not in that situation,
25 everything's taken care of, everything's calmed down,

1 but then they get called back.

2 Well, maybe this time she's breaking furniture
3 or she's got a weapon or she's threatening to kill
4 herself or she's threatening, then obviously they're
5 going to code it a higher priority.

6 Q. Is there anything wrong with an officer giving
7 the CAD number to the family?

8 MS. DINEHART: Objection.

9 A. There's nothing wrong with that.

10 Q. And when a family does have a CAD number and
11 they share it with the dispatcher, would you expect the
12 dispatcher to look that previous encounter up?

13 MS. DINEHART: Objection.

14 MR. MALLAMAD: Objection.

15 You can answer.

16 A. I would expect that they would look it up, just
17 so they know what was being dealt with and they better
18 equip the officers that are responding the second time
19 around so they know what they're dealing with.

20 Again, it's not necessarily going to make it a
21 higher priority, but looking it up might give them
22 information that they would need to keep the officers
23 safe.

24 Q. The more information, the better.

25 A. Yes.

1 Q. In your conversations with the family, do I
2 understand this correctly, none of the family members
3 ever told you directly that Tanisha played possum or
4 would pretend to go to sleep, right?

5 A. They never told me that.

6 Q. So you got something like that in some sort of
7 report from Aldridge, correct?

8 A. Yes.

9 Q. So tell me again what Aldridge said in that
10 regard.

11 A. Aldridge said that the family after she, you
12 know, had this episode where she had gotten physical
13 with the officers and she's on the ground in handcuffs
14 and she goes to sleep.

15 Like basically, again, I thought it was odd that
16 he described it that way, but that's what happened.
17 And according to him and according to what the family
18 is saying, said to him, this is what she does.

19 And I kind of equated it to like a toddler
20 throwing a fit. I mean, I could remember it with my
21 own kids where they would throw a fit on the floor and
22 then a second later they're asleep.

23 You know, because she gets all this adrenaline
24 going and then just, I mean, that's -- in my mind
25 that's what I'm visualizing. I didn't see it

1 **personally.**

2 Q. But of course in whatever experiences the family
3 were trying to relate to Aldridge, it didn't involve
4 her being handcuffed, right?

5 **A. It did not.**

6 Q. And regardless of what history the family
7 purports to share with Aldridge, it's his duty as
8 officer on the scene to make sure that he adequately
9 calls for EMS when it's needed, right?

10 **A. It is, and my understanding is that from his**
11 **perspective prior to my arrival it was not needed.**

12 Q. And you don't think that a 200-plus-pound woman
13 in her nightgown lying unconscious, not talking, not
14 responding, on a sidewalk on a cold November day for up
15 to 14 minutes requires EMS?

16 MS. DINEHART: Objection.

17 MR. MALLAMAD: Objection.

18 You can answer.

19 **A. Well, to my understanding, that she was not**
20 **unconscious. When I got there, she was. I don't know**
21 **when that happened.**

22 But, you know, she was talking to them and then,
23 again, they said she fell asleep. And then when I got
24 there and I -- I went to talk to her, that's when I
25 observed that she was unconscious.

1 **So I couldn't tell you when that happened.**

2 Q. Would you agree that if she was unresponsive to
3 verbal direction for more than five minutes they should
4 have called EMS?

5 MS. DINEHART: Objection.

6 MR. MALLAMAD: Objection.

7 You can answer.

8 **A. I believe that if she was unresponsive to verbal**
9 **direction, then yes.**

10 Q. For more than five minutes.

11 **A. For more than five minutes.**

12 MR. GERHARDSTEIN: I don't
13 have any other questions.

14 Thank you.

15 MR. MALLAMAD: Sergeant
16 Battone would like to review her testimony
17 and you can send the transcript to me.

18 - - -

19 (DEPOSITION CONCLUDED.)

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25

1 I have read the foregoing transcript from page 1
2 through 92 and note the following corrections:

3 PAGE LINE REQUESTED CHANGE

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Sergeant Rochelle Bottone

Subscribed and sworn to before me this ____ day
of _____ 2016

Notary Public

My Commission expires: _____

1 State of Ohio,) SS: CERTIFICATE
2 County of Cuyahoga.)
3

4 I, Janet M. Hoffmaster, a Registered Professional
5 Reporter and Notary Public within and for the State of
6 Ohio, duly commissioned and qualified, do hereby
7 certify that the within-named witness, SERGEANT
8 ROCHELLE BOTONE, was by me first duly sworn to tell
9 the truth, the whole truth and nothing but the truth in
10 the cause aforesaid; that the testimony then given by
11 her was reduced to stenotypy, and afterwards
12 transcribed by me through the process of computer-aided
13 transcription, and that the foregoing is a true and
14 correct transcript of the testimony so given by her as
15 aforesaid.

16 I do further certify that this sworn statement was
17 taken at the time and place in the foregoing caption
18 specified.

19 I am not, nor is the court reporting firm with
20 which I am affiliated, under a contract as defined in
21 Civil Rule 28(D).

22 I do further certify that I am not a relative,
23 employee, or attorney of either party, or otherwise
24 interested in the event of this action.

25 IN WITNESS WHEREOF, I have hereunto set my hand
and affixed my seal of office at Cleveland, Ohio, on
this 4th day of July 2016.

Janet M. Hoffmaster, RPR and Notary Public
in and for the State of Ohio.
My Commission expires October 8, 2017.